

Remarks

Applicant respectfully requests reconsideration. Claims 1-3, 5-12, 15 and 25-32 were pending for examination. Claims 11 and 32 have been canceled. Accordingly, 1-3, 5-10, 12, 15 and 25-31 are pending for examination.

Claims 1-3, 5-10, 12, 15, 25 and 28 have been amended to specify that the therapeutic vehicle is a polymeric film. Support for this amendment is found in the specification and claims. For example, basis for the amendment can be found at page 11, lines 20 to 21 (polymeric film), page 21, lines 10 to 11 (removal of film from wound bed) and in previous claim 32, now canceled.

Claim 12 has been amended to correct the claim dependency in view of the cancellation of claim 11, and to correct the recitation of cells to recite at least one keratinocyte, as was suggested by the Examiner.

No new matter has been added.

Rejections Under 35 U.S.C. § 112

The Examiner rejected claims 11 and 12 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully requests reconsideration in view of the amendments made to the claims.

Applicant has canceled claim 11 and made claim 12 dependent upon claim 1. In addition, the phrase “mammalian cells are” has been replaced with the phrase “at least one keratinocyte is” as suggested by the Examiner.

Accordingly, Applicant respectfully requests that the rejection of claims 11 and 12 under 35 U.S.C. 112 be withdrawn.

Rejections Under 35 U.S.C. § 103

1. The Examiner rejected claims 1-3, 6-12, 15 and 25-32 under 35 U.S.C. § 103(a) as unpatentable over the France et al. reference in view of the Mayes et al. patent (US 6,150,459) and the McAuslan publication (WO 87/05038), and if necessary in further view of the Daw et al. reference. Applicant respectfully requests reconsideration of the rejection.

France et al. teaches formation of a copolymer on a substrate such as a foil, or tissue culture wells or dishes. There is no teaching in France et al. that would suggest formation of a copolymer on a polymeric film, particularly a polymeric film adapted for application to and subsequent separation from, a wound bed of an acute or chronic cutaneous wound.

Mayes et al. relates to surface modification of biomedical devices to give controlled cellular responses. There is no teaching or suggestion in Mayes et al. of a polymeric film for application to and subsequent separation from, a wound bed of an acute or chronic cutaneous wound, wherein said film has at least one cell attached to the surface thereof. The Examiner argues that Mayes et al., at column 16, line 14, discloses wound healing. What is disclosed by Mayes et al. is a cell regulating microporous biodegradable membrane useful as a temporary barrier device in wound healing. However, there is no teaching or suggestion in Mayes et al. that this barrier device could be seeded with cells and implanted for tissue in growth.

McAuslan relates to an implant comprising a hydrogel, the surface of which is chemically modified so as to stimulate the attachment and growth of endothelial cells. There is no disclosure in McAuslan of a polymeric film for application to and subsequent separation from, a wound bed of an acute or chronic cutaneous wound.

Accordingly, the combination of the Mayes et al., McAuslan and France et al. references does not disclose a polymeric film in accordance with amended claim 1.

With regard to Daw et al., this document does not relate to the culture of keratinocytes. The document is concerned only with osteoblast-like cells, which cannot be used in wound healing. It therefore cannot be combined with Mayes et al., McAuslan and France et al. to provide a polymeric film having all of the features recited in claim 1, and even if combined, the combination of the four references would not provide the invention as claimed in claim 1..

Accordingly, Applicant respectfully requests that the rejection of claims 1-3, 6-12, 15 and 25-32 under 35 U.S.C. 103(a) be withdrawn.

2. The Examiner also rejected claim 5 as unpatentable over the references as applied to claims 1-3, 6-12, 15 and 25-32, and further in view of Yanagihara et al. (US patent 4,693,799). Applicant respectfully traverses the rejection.

For the reasons described above, the combination of the Mayes et al., McAuslan and France et al. references, or the Mayes et al., McAuslan and France et al. references further combined with the Daw et al. reference, do not provide the claimed invention. The Yanigahara patent does not provide elements of the claimed invention missing from the combination of the other references. Accordingly, the combination of Mayes et al., McAuslan, France et al. and Yanigahara references, optionally combined with the Daw et al. reference, does not render the claimed invention unpatentable.

Accordingly, Applicant respectfully requests that the rejection of claim 5 under 35 U.S.C. 103(a) be withdrawn.

CONCLUSION

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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